



#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application )  
Inventor(s): Edward J. Gough )  
Alan A. Stein )  
Application No.: 08/963,239 )  
Filed: November 3, 1997 )  
Title: MULTIPLE ANTENNA ABLATION )  
APPARATUS AND METHOD )

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
37 C.F.R. § 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am:

The owner of the small business concern identified below.

An official of the small business concern empowered to act on behalf of the concern identified below.

Name: Rita Medical Systems, Inc.

Address: 967 North Shoreline Boulevard, Mountain View, California 94043

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35 U.S.C. in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified below with regard to the invention.

entitled: MULTIPLE ANTENNA ABLATION APPARATUS AND METHOD

by inventor(s): Edward J. Gough; Alan A. Stein

described in:

the Specification filed herewith  
X Application SC/Serial No. 08/963,239, filed November 3, 1997  
       Patent No. \_\_\_\_\_ issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. § 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

NAME: \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

Individual  Small Business Concern  Nonprofit Organization

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Individual  Small Business Concern  Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: 

Title of Person Signing: Vice President

Address of Person Signing: 967 No. Shoreline Blvd, Mt View, CA

Signature: \_\_\_\_\_

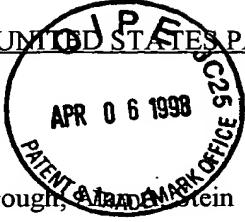
Date: 1-19-98

\* Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27).

X

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Edward J. Gough, 

Application No.: 08/963,239

Filed: November 3, 1997

Title: MULTIPLE ANTENNA ABLATION APPARATUS  
AND METHOD

) PATENT APPLICATION

)

)

)

)

DECLARATION FOR PATENT APPLICATION  
(CONTINUATION-IN-PART)

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if one name is listed below), first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**MULTIPLE ANTENNA ABLATION APPARATUS AND METHOD**

the specification of which (check applicable ones):

is attached hereto;

was filed with the above-identified "Filed" date and "SC/Serial No."

was amended on (or amended through) 12/24/97.

The present application is a continuation-in-part of Prior Application, Application No. 08/605,323, filed: February 14, 1996 which is a continuation-in-part of 08/515,379, filed: August 15, 1995 and may be considered to disclose and claim subject matter in addition to that disclosed in the Prior Application, and I hereby claim the benefit of 35 U.S.C. Section 120.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56, including information which became available between the filing date of the Prior Application and the national or PCT international filing date of the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

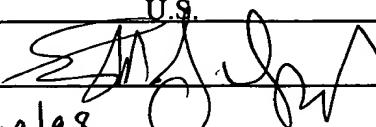
(1) Full name of sole

or first inventor: Edward J. Gough

(1) Residence: 31 Addison Way  
Menlo Park, CA 94025

(1) Post Office Address: Same

(1) Citizenship: U.S.

(1) Inventor's signature: 

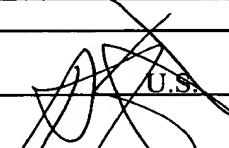
(1) Date: 11/19/98

(2) Full name of second  
joint inventor: Alan A. Stein

(2) Residence: 649 Lancaster Boulevard  
Moss Beach, CA 94038

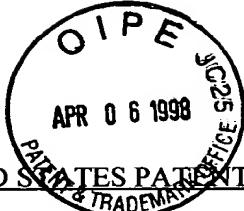
(2) Post Office Address: Same

(2) Citizenship: U.S.

(2) Inventor's signature: 

(2) Date: 11/19/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



**PATENT APPLICATION**

IN RE PATENT APPLICATION OF )  
Edward J. Gough )  
Alan A. Stein )  
Application No. 08/963,239 )  
Filing Date: November 4, 1997 )  
Title: MULTIPLE ANTENNA ABLATION )  
APPARATUS AND METHOD )

Examiner: Unknown

Group Art Unit: Unknown

**POWER OF ATTORNEY BY ASSIGNEE**

**TO EXCLUSION OF INVENTOR UNDER 37 C.F.R. § 3.71**  
**WITH REVOCATION OF PRIOR POWERS**

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

The undersigned ASSIGNEE of the entire interest in the above-identified application for letters patent hereby appoints Paul Davis, Reg. No. 29,294, Mark A. Haynes, Reg. No. 30,846, David J. Weitz, Reg. No. 38,362 and Kent R. Richardson, Reg. No. 39,443 to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or  
 the Assignment recorded on \_\_\_\_\_ at reel \_\_\_, frames \_\_ - \_\_\_\_.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all telephone calls to Paul Davis, (650) 493-9300.

Address all correspondence to:

Paul Davis  
WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Palo Alto, California 94304-1050

ASSIGNEE: Rita Medical Systems, Inc.

Name: *Edward Gough*

(Signature)

Name: *Edward Gough*  
(Print or Type)

Title: *Vice President*

Date: *1/19/98*

**JOINT TO CORPORATE ASSIGNMENT**

WHEREAS, the undersigned,

(1) Edward J. Gough  
(hereinafter termed "Inventors"), residents of  
(1) 31 Addison Way  
respectively, Cities of  
(1) Menlo Park  
respectively, Counties of  
(1) \_\_\_\_\_  
respectively, States of  
(1) California

(2) Alan A. Stein  
(2) 649 Lancaster Boulevard  
(2) Moss Beach  
(2) \_\_\_\_\_  
(2) \_\_\_\_\_  
respectively, have invented certain new and useful improvements in:

**MULTIPLE ANTENNA ABLATION APPARATUS AND METHOD**

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention:

— On the

(1) \_\_\_\_ day of \_\_\_\_\_, 1997;  
(2) \_\_\_\_ day of \_\_\_\_\_, 1997;  
(3) \_\_\_\_ day of \_\_\_\_\_, 1997;  
(4) \_\_\_\_ day of \_\_\_\_\_, 1997.

respectively;

Or

X Said application having Application Number 08/963,239 and filed on the 3rd day of November, 1997.

WHEREAS Rita Medical Systems, Inc. (hereinafter termed "Assignee"), a corporation of California, having a place of business at 967 North Shoreline Boulevard, Mountain View, CA, wishes to acquire the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, certificates of invention and other forms of protection thereon (hereinafter termed "patents" applied for or granted in the United States and/or other countries.

NOW THEREFORE, for good and valuable consideration acknowledged by each of said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey to said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply in any or all countries of the world for patents, certificates of inventions or other governmental grants on said invention, including the right to apply for patents pursuant to the International Convention for the Protection of Industrial Property or pursuant to any other convention, treaty, agreement or understanding; (c) in and to any and all applications filed and any and all patents, certificates of inventions or other governmental grants granted on said

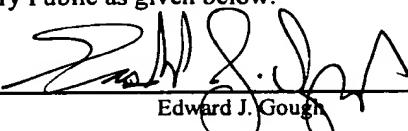
invention in the United States or any other country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; (d) in and to each and every reissue or extension of any of said patents; and (e) in and to each and every patent claim resulting from a reexamination certificate for any and all of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and other countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, executing of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for complying with any duty of disclosure; (c) for prosecuting any of said applications; (d) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (e) for filing and prosecuting applications for reissue of any of said patents; (f) for interference or other priority proceedings involving said invention; and (g) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, reexamination proceedings, compulsory licensing proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

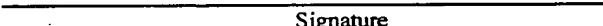
IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee on the date of acknowledgment before the Notary Public as given below.

(1)  1-19-98  
Edward J. Gough

(1) State of \_\_\_\_\_  
County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature